

REMARKS

As an initial matter, the Office Action states that the period for responding is two months, when the period should be three months. A telephone conference with the Examiner was conducted and the Examiner agreed with the Applicants regarding the correct time period being three months. However, the Examiner did not send a supplemental Office Action setting forth the correct response period.

Claims 1-13 are all the claims pending in the application. Claim 1 is rejected and claims 2-5 and 7-13 are withdrawn from consideration. Claim 1 is rejected under 35 U.S.C. § 103(a) as being unpatentable over at least one of Yamamoto (U.S. Patent No. 6,203,467) or Imanishi (U.S. patent No. 6,746,364 in view of Bauer, et al. (U.S. Patent No. 5,382,099).

The Examiner asserts that Applicants' previous arguments are not persuasive because:

"[o]ne of ordinary skill in the art would recognize that the finer mesh filter is not required to be located at a downstream location with respect to the traction surface. For example, one in the art would recognize the possibility of contaminants being introduced into the transmission oil passage during assembly of the transmission. In a second example, one in the art would recognize that contaminants may be introduced into the transmission oil passage in the event of a malfunctioning, defective or worn hydraulic component that is located between the two filter arrangement[s]." *See* the Office Action, page 4, "Response to Arguments".

Applicants respectfully disagree with the Examiner. Each and every reference fails to disclose, suggest or teach "a line filter disposed upstream to the filter with respect to the traction surfaces." Also, the references fail to disclose, suggest or teach that "the mesh filter has a rougher mesh than the line filter."

In addition, Applicants submit that the two hypothetical “examples” cited by the Examiner are not supported by any prior art. As such, this is classic hindsight on the part of the Examiner - self-made hypothetical rather than real-life prior art.

As for the Examiner's Official Notice with respect to providing a line filter in either of the transmissions of Yamamoto et al. or Imanishi since it was notoriously known in the art (page 3 in the Office Action), Applicants hereby request that the Examiner support his assertion of personal knowledge in the form of an affidavit under Rule 104(d)(2).

In view of the above, reconsideration and allowance of this application are now believed to be in order, and such actions are hereby solicited. If any points remain in issue which the Examiner feels may be best resolved through a personal or telephone interview, the Examiner is kindly requested to contact the undersigned at the telephone number listed below.

The USPTO is directed and authorized to charge all required fees, except for the Issue Fee and the Publication Fee, to Deposit Account No. 19-4880. Please also credit any overpayments to said Deposit Account.

Respectfully submitted,

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